

## **INTERGOVERNMENTAL AGREEMENT TRANSPORTATION PROJECT FUNDING AGREEMENT**

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This Intergovernmental Agreement (“Agreement”) is made and entered into by and between the City of Tigard (“Tigard”) and Metro, effective as of the date of last signature below.

### **RECITALS**

- A. Tigard is a city organized under the laws of the State of Oregon and the Tigard Charter.
- B. Metro is an Oregon metropolitan service district organized under the laws of the State of Oregon and the Metro Charter.
- C. The “Southwest Corridor” is a transportation corridor located between downtown Portland and Sherwood, in Oregon. Metro and its regional partners, including TriMet, have initiated a comprehensive land use and transportation planning study to create a plan that will identify and prioritize public investments in the Southwest Corridor (the “Southwest Corridor Plan” or “Plan”).
- D. The Southwest Corridor Plan is advancing in two phases. The first phase of the Plan is complete and resulted in the creation of the Southwest Corridor Shared Investment Strategy (the “Shared Investment Strategy”) endorsed by the Southwest Corridor Plan Steering Committee (“Steering Committee”).
- E. The Shared Investment Strategy identifies a need for enhanced local transit service, further study of high capacity transit (“HCT”) from Portland to Tualatin via Tigard, over 60 roadway and active transportation projects that support the transit and the land use vision endorsed by the Steering Committee (the “Land Use Vision”), over 400 parks and natural resource projects that support the Land Use Vision, and a toolkit of policies and incentives to support development characteristic of the Land Use Vision.
- F. In December 2014, the Steering Committee decided to develop a locally-driven package of transportation solutions prior to entering the federal planning process. During this second phase of the Southwest Corridor planning process (“Phase 2”), Metro will refine the projects and strategies identified in Phase 1, including the HCT element of the Shared Investment Strategy, which will require refinement prior to commencing analysis of the environmental impacts of the Southwest Corridor Plan.
- G. Tigard and Metro collaborated on Phase 1 of the Plan, as agreed in the Southwest Corridor Plan Charter adopted by the Steering Committee in December 2011 and endorsed by project partner jurisdictions. Now, Tigard and Metro desire to work together during Phase 2 of the Plan to, define a preferred alternative for HCT and priority multimodal projects, and complete a Draft Environmental Impact Statement for the Southwest Corridor HCT project that will enable TriMet to be

ready to construct an HCT project in the final phase of the Plan, if the project is otherwise approved by government entities with jurisdiction.

- H. The parties are entering into this Agreement to document each Party's understanding as to the services to be performed and obligations of each Party during this Phase 2.

**NOW THEREFORE**, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

## **TERMS OF AGREEMENT**

- 1. SCOPE OF WORK.** Metro will complete a Focused Refinement Period, develop a Locally Preferred Alternative, and produce a Draft Environmental Impact Statement (the "Work"), consistent with the attached scope of work (Attachment A).
- 2. FUNDS TO METRO.** Recognizing the importance of implementing the Southwest Corridor Shared Investment Strategy by further study of the HCT project consistent with the Scope of Work, Tigard will pay Metro \$375,000 (hereafter "Funds") for the completion of the Work. Within thirty (30) days of execution of this IGA, Tigard will wire transfer \$185,000 to Metro. On or by July 15, 2015, Tigard will wire transfer the remaining \$190,000 to Metro.
- 3. APPLICATION OF FUNDS.** . Metro will apply the Funds, and all interest earnings on the Funds while held by Metro, if any, to pay for planning and public involvement efforts related to the Work. Any Funds and earnings on the Funds that are not so applied must be promptly returned to Tigard.
- 4. METRO RESPONSIBLE FOR CONTRACTS.** Metro is solely responsible for any and all contracts and subcontracts associated with the Work, including but not limited to procurement under applicable public contracting laws, contract management, and payments to contractors and subcontractors. Metro acknowledges that other than Tigard's payment of Funds to Metro, Tigard has no other obligation or responsibility for the Work.
- 5. INDEMNITY.** To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, Metro agrees to defend, indemnify, and hold harmless Tigard, its officers, employees, and agents, from and against any and all claims relating to or arising out of the Work or any and all contracts related to the Work.
- 6. TERMINATION.** This Agreement may be terminated by mutual written consent of both parties. If this Agreement is terminated while Metro holds any unexpended and unobligated SW Corridor Funds or earnings, Metro will pay those proceeds and earnings to Tigard promptly after termination, proportionate to Tigard's original contribution to the Work and the amount of the total Work completed. Any termination of this Agreement does not prejudice any rights or obligations accrued to the parties prior to termination. If not earlier terminated, this Agreement will terminate when Metro completes the Work.

7. **MERGER; WAIVER.** This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change or terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent modification or change, if made shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the parties have agreed to the terms and conditions of this Agreement.

**TIGARD**

By: \_\_\_\_\_  
Name: Marty Wine  
Title: City Manager  
Date: March \_\_, 2015

Approved as form:

\_\_\_\_\_

**METRO**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

## **EXHIBIT A:**

### **Southwest Corridor Plan Preferred Package to Implement the Shared Investment Strategy and Coordinated Land Use Visions**

The Southwest Corridor Plan is a comprehensive approach to achieving community visions through integrated land use and transportation planning. The Southwest Corridor Plan incorporates high capacity transit (HCT) alternatives, roadway, bicycle and pedestrian projects and adopted local land use visions, including the Barbur Concept Plan, the Tigard High Capacity Transit Land Use Plan, Linking Tualatin and the Sherwood Town Center Plan. In July 2013, the Southwest Corridor Plan Steering Committee recommended a shared investment strategy to include key investments in roadways, active transportation, parks, trails and natural areas along with options for HCT. The Plan is exploring Bus Rapid Transit (BRT) and Light Rail Transit (LRT) alternatives for several alignments that connect the Portland Central City, Southwest Portland, Tigard, and Tualatin.

A refinement study was initiated to narrow HCT options, identify a preferred alternative (PA) and create a subset of road and active transportation projects to be studied jointly in a Draft Environmental Impact Statement (DEIS) under the National Environmental Policy Act (NEPA). In June 2014, the Steering Committee accepted the recommendation of a narrowed set of HCT design options and directed staff to address specific issues in a more focused refinement. In December 2014, the Steering Committee directed project staff to integrate the work undertaken to address these additional questions into the development of a Preferred Package of transportation investments to support community land use goals that is anticipated to be defined in spring 2016.

#### **Preferred Package:**

As summarized here, project partners will work together to develop the following components in order to address needs and aspirations of corridor residents and businesses and develop a recommended Preferred Package:

- Prioritized list of key roadway, bicycle and pedestrian projects from the shared investment strategy
- Preferred High Capacity Transit options, including mode, alignment and terminus as defined in a Preferred Alternative (PA)
- Integrated Land Use and Development Strategies as part of developing a preferred package of transportation investments

#### **Key elements of the process to develop an implementation plan for the roadway, bicycle and pedestrian projects as part of the Preferred Package:**

1. Engage public discussion on the roadway, bicycle and pedestrian projects in the Shared Investment Strategy (SIS) and priorities for implementation.
2. Develop timeframes and identify potential funding sources for implementation of the SIS projects.

3. Work with TriMet to implement the Southwest Service Enhancement Plan local transit service improvement priorities.
4. Coordinate with other efforts to address mobility needs in the Southwest Corridor investment area.

**Key elements of the process to develop the Preferred HCT Alternative (PA):**

1. **Analysis to narrow HCT alternatives for further study.** In June 2014, the Steering Committee directed staff to address the following specific issues to further narrow the options:
  - a) ***Assess alternative HCT options.*** Evaluation guided by adopted Purpose and Need to inform Steering Committee recommendation on mode (BRT or LRT), terminus, and alignment choices for further study.
  - b) ***Traffic analysis to assess tie-in options:*** Additional traffic analysis and partner discussion to determine the best approach to tie into downtown Portland and the existing transit system.
  - c) ***HCT branch service to Tigard and Tualatin:*** Look at options for branched service to downtown Tigard and Tualatin to achieve operational efficiencies and reduce travel time.
  - d) ***Adjacent to I-5:*** Further examine and discuss the tradeoffs of providing HCT adjacent to I-5 rather than on Barbur Boulevard.
  - e) ***OHSU Marquam Hill access:*** Explore options for pedestrian/bicycle access to Marquam Hill from a surface alignment on Barbur or Naito, including outreach to neighborhoods, stakeholder groups, OHSU, Portland Parks and Recreation and the Veterans Hospital.
  - f) ***Medium tunnel that serves Marquam Hill and Hillsdale:*** Evaluate the benefits as compared to the costs of direct service with a tunnel that serves Marquam Hill with the medium tunnel that also serves Hillsdale. Outreach to communities and stakeholders regarding refined tunnel costs, construction impacts, travel time, ridership and equity issues. Explore alternative options to access important destinations.
  - g) ***Hillsdale:*** Evaluate the benefits as compared to the costs and travel time losses of directly or indirectly serving the town center and look at enhanced pedestrian/bicycle connections from Barbur Boulevard.
  - h) ***Direct service to Portland Community College – Sylvania:*** Assess the potential of a more robust pedestrian and bicycle connection from Barbur Boulevard to PCC along SW 53<sup>rd</sup> Ave while working with PCC and the neighborhood to understand the tradeoffs of direct service for the future of the campus.
  - i) ***Funding strategy:*** Complete a preliminary assessment of potential funding sources and a strategy for a future HCT investment and associated multimodal

projects to help inform Steering Committee and public conversations on HCT alignment choices.

2. **Preferred Alternative (PA).** Project partners will assess the positive and negative impacts of BRT and LRT options to define a Preferred Alternative to serve the needs in the Southwest Corridor, which would identify the preferred mode, alignment, and terminus. The Preferred Alternative and a select set of associated multimodal projects will be described in a Preferred Alternative Report and recommended for further study in a DEIS.
3. **Public involvement.** PA selection will include public involvement that aims to gain meaningful input from a diverse range of corridor stakeholders, and integrate this into the decision making and deliberation process in a transparent manner.

#### **SW Corridor Plan Tangible Products Expected in FY 2014-15 and FY 2015-16:**

- Work plan for development of the Preferred Alternative (PA) Package that includes an HCT package, and a set of roadway, bicycle and pedestrian projects that are coordinated with local land use vision and consider corridor and regional mobility needs.
- Staff recommendations on HCT options to advance in the Preferred Alternative:
  - HCT mode, terminus (including minimum operating segment(s)) and alignment options to study further:
    - Tie-in to the downtown
    - Tigard/Tualatin branch service
    - South Portland: Tunnels, Marquam Hill access, Naito improvements and Ross Island Bridgehead
    - Hillsdale direct service and alternatives
    - Barbur Stations/Adjacent to I-5
    - Portland Community College (PCC) Sylvania Campus service
- Staff recommendations on roadway, bicycle and pedestrian project funding as part of the Preferred Package.
- Public involvement activities to engage local communities in the development of recommendations and decisions.
- Steering Committee decisions on staff recommendations for the Preferred Package.

**Project Budget:**

- The total budget for the two year work plan, including FY14-15 and FY 15-16, inclusive of all partner contributions is \$9,680,000
- City of Tigard contribution: FY 14-15 \$185,000 and FY 15-16 \$190,000

**Entities Responsible for Activities**

- Metro: Lead Agency – Overall Southwest Corridor Plan and technical work, including:
  - Project Management
  - FTA Coordination
  - Committee Support
  - Technical Work and Consultant Management
  - Lead Public Involvement
  - Decision Process
- City of Tigard:
  - Committee participation
  - Technical review
  - Partner coordination and issues resolution
  - Support decision-making
  - Support Public Involvement Plan

**Future work and the Draft Environmental Impact Statement (DEIS)**

Following endorsement of the PA and Preferred Package by project partners and adoption by Metro Council, the PA will be studied in a DEIS along with associated multimodal projects. After this, the project will move into Project Development for more refined design and engineering while finalizing the environmental analysis (Final Environmental Impact Statement (FEIS)). With this schedule, the project could begin construction in 2019 and open for service in 2023.

SW Corridor HCT and its associated multimodal investments will undergo environmental review in accordance with NEPA, following FTA regulations and policies. The project will address related federal, state and local environmental laws, regulations and guidelines, affected environment of the potential alternatives and potential mitigation. Metro and FTA agreed that an Environmental Impact Statement (EIS) and Record of Decision (ROD) was the appropriate environmental process to follow.